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PETITION UNDER 37 C.F.R. 1.181
TO WITHDRAW HOLDING OF ABANDONMENT
OF PATENT APPLICATION

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SEP 13 2004

First named inventor: Winfree
App. No.: 09/026,824
Filed: February 20, 1998
Title: RESTAURANT FOOD
PREPARATION LINE
Examiner: Richard E. Chilcot

Group Art Unit: 3629

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petitions Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 7, 2004

(Date)

Robert J. Roby, Reg. No. 44,304

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned on August 23, 2004, following a decision by the Board of Appeals and Patent Interferences ("the Board"). The Board reversed all of the grounds of rejection by the Examiner and entered a new ground of rejection for less than all of the claims on appeal. Thus, claims were allowed by the Board. Moreover, prior to the appeal being filed, the application contained a number of claims that stood allowed.

Pursuant to MPEP 1214.06, when the time for seeking court review of the Board's decision passed, the Examiner was to take up this application. Because claims stood allowed, the Examiner was required to issue the application on the claims that stood allowed. Moreover, the claims for which no new ground of rejection was provided by the Board presumably also should have been passed to issuance.

Thus, this application should not have been held abandoned and withdrawal of such a holding is respectfully requested. The abandonment date of this application was indicated as August 23, 2004. No petition fee is believed to be due at this time but, in the event a fee is due, please charge any necessary fee or credit any overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

By:

Robert J. Roby
Registration No. 44,304
Attorney of Record
Customer No. 20,995
(949) 760-0404

Dated: 9.7.2004